

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6157

Chapter 483, Laws of 2007

60th Legislature
2007 Regular Session

OFFENDER RECIDIVISM

EFFECTIVE DATE: 07/22/07

Passed by the Senate April 22, 2007
YEAS 41 NAYS 6

BRAD OWEN

President of the Senate

Passed by the House April 21, 2007
YEAS 64 NAYS 33

FRANK CHOPP

Speaker of the House of Representatives

Approved May 15, 2007, 12:17 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6157** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 16, 2007

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6157

AS AMENDED BY THE HOUSE

Passed Legislature - 2007 Regular Session

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

READ FIRST TIME 04/19/07.

1 AN ACT Relating to reducing offender recidivism by increasing
2 access and coordination of offender services in communities through
3 inventories of services and community transition coordination network
4 pilot programs; by improving local law and justice councils to focus
5 their efforts on effective use of correctional resources and
6 coordination between state and local law enforcement and corrections
7 agencies; by developing and implementing individual reentry plans that
8 describe actions and services to prepare offenders for release from
9 jail or prison and require an offender to participate in available
10 programming directed in their plan in order to qualify for fifty
11 percent earned early release; by excluding the use of an individual
12 reentry plan as the basis in civil actions against local governments;
13 by requiring an offender released to community supervision to be
14 returned to the county of origin unless it is inappropriate due to
15 matters of victim safety, lack of family or other supports for the
16 offender in other locations, or negative influences on the offender in
17 that community; by requiring the department of corrections to prepare
18 a list of counties and rural multicounty areas for anticipated siting
19 of work release, community justice centers and other community-based
20 correctional facilities while making substantial efforts to provide for
21 the equitable distribution of the facilities; by studying and

1 identifying evidence-based practices for work release; by increasing
2 the use of effective practices in residential and nonresidential
3 transition facilities for offenders under the jurisdiction of the
4 department of corrections; by permitting partial confinement in lieu of
5 earned early release up to three months; by requiring, upon a finding
6 at a third violation hearing that the offender committed a violation,
7 the return of an offender to total confinement to serve up to the
8 remaining portion of his or her sentence unless it is determined that
9 returning the offender would interfere with the offender's ability to
10 maintain community supports or participate in treatment and would
11 increase the likelihood of reoffending; by requiring an offender
12 arrested for a new felony while under community custody, community
13 placement, or community supervision to be held in confinement until a
14 hearing before the department or until a formal charge is filed,
15 whichever is earlier; by prohibiting an offender under community
16 custody, community placement, or community supervision who is found
17 guilty of a new felony after the effective date of this act from
18 qualifying for fifty percent earned early release; by creating a task
19 force to study and review the current laws and policy regarding
20 community custody and community supervision; by conducting a community
21 corrections workload study; by improving educational opportunities; by
22 providing liability protection for landlords who rent to former
23 offenders and entities participating in the transitional housing
24 program under certain conditions; by encouraging housing authorities to
25 formulate rental policies not overly burdensome to previously
26 incarcerated individuals; by establishing a transitional housing
27 program for offenders in need of stable housing; by allowing funds to
28 be disbursed from a personal inmate savings account in order to assist
29 an offender to secure appropriate housing; by establishing expedited
30 procedures for released offenders to obtain a driver's license or
31 identification card; by reviewing and recommending changes to
32 occupational licensing laws; and by adding appropriations for sections
33 305(2) and (4), section 304(1)(b)(ii)(D) and (E), and section 307 of
34 this act; amending RCW 72.09.300, 72.09.015, 9.94A.728, 9.94A.737,
35 72.09.460, 72.09.480, and 72.09.111; adding new sections to chapter
36 72.09 RCW; adding a new section to chapter 59.18 RCW; adding a new
37 section to chapter 35.82 RCW; adding a new section to chapter 43.185C
38 RCW; adding a new chapter to Title 72 RCW; creating new sections;

1 making appropriations; and providing expiration dates.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

3 NEW SECTION. **Sec. 1.** The people of the state of Washington expect
4 to live in safe communities in which the threat of crime is minimized.
5 Attempting to keep communities safe by building more prisons and paying
6 the costs of incarceration has proven to be expensive to taxpayers.
7 Incarceration is a necessary consequence for some offenders, however,
8 the vast majority of those offenders will eventually return to their
9 communities. Many of these former offenders will not have had the
10 opportunity to address the deficiencies that may have contributed to
11 their criminal behavior. Persons who do not have basic literacy and
12 job skills, or who are ill-equipped to make the behavioral changes
13 necessary to successfully function in the community, have a high risk
14 of reoffense. Recidivism represents serious costs to victims, both
15 financial and nonmonetary in nature, and also burdens state and local
16 governments with those offenders who recycle through the criminal
17 justice system.

18 The legislature believes that recidivism can be reduced and a
19 substantial cost savings can be realized by utilizing evidence-based,
20 research-based, and promising programs to address offender deficits,
21 developing and better coordinating the reentry efforts of state and
22 local governments and local communities. Research shows that if
23 quality assurances are adhered to, implementing an optimal portfolio of
24 evidence-based programming options for offenders who are willing to
25 take advantage of such programs can have a notable impact on
26 recidivism.

27 While the legislature recognizes that recidivism cannot be
28 eliminated and that a significant number of offenders are unwilling or
29 unable to work to develop the tools necessary to successfully
30 reintegrate into society, the interests of the public overall are
31 better served by better preparing offenders while incarcerated, and
32 continuing those efforts for those recently released from prison or
33 jail, for successful, productive, and healthy transitions to their
34 communities. Educational, employment, and treatment opportunities
35 should be designed to address individual deficits and ideally give
36 offenders the ability to function in society. In order to foster

1 reintegration, this act recognizes the importance of a strong
2 partnership between the department of corrections, local governments,
3 law enforcement, social service providers, and interested members of
4 communities across our state.

5 **PART I - COMMUNITY TRANSITION COORDINATION NETWORKS**

6 NEW SECTION. **Sec. 101.** The definitions in this section apply
7 throughout this chapter unless the context clearly requires otherwise.

8 (1) A "community transition coordination network" is a system of
9 coordination that facilitates partnerships between supervision and
10 service providers. It is anticipated that an offender who is released
11 to the community will be able to utilize a community transition
12 coordination network to be connected directly to the supervision and/or
13 services needed for successful reentry.

14 (2) "Evidence-based" means a program or practice that has had
15 multiple-site random controlled trials across heterogeneous populations
16 demonstrating that the program or practice is effective in reducing
17 recidivism for the population.

18 (3) An "individual reentry plan" means the plan to prepare an
19 offender for release into the community. A reentry plan is developed
20 collaboratively between the supervising authority and the offender and
21 based on an assessment of the offender using a standardized and
22 comprehensive tool to identify the offenders' risks and needs. An
23 individual reentry plan describes actions that should occur to prepare
24 individual offenders for release from jail or prison and specifies the
25 supervision and/or services he or she will experience in the community,
26 taking into account no contact provisions of the judgment and sentence.
27 An individual reentry plan should be updated throughout the period of
28 an offender's incarceration and supervision to be relevant to the
29 offender's current needs and risks.

30 (4) "Local community policing and supervision programs" include
31 probation, work release, jails, and other programs operated by local
32 police, courts, or local correctional agencies.

33 (5) "Promising practice" means a practice that presents, based on
34 preliminary information, potential for becoming a research-based or
35 consensus-based practice.

1 (6) "Research-based" means a program or practice that has some
2 research demonstrating effectiveness, but that does not yet meet the
3 standard of evidence-based practices.

4 (7) "Supervising authority" means the agency or entity that has the
5 responsibility for supervising an offender.

6 NEW SECTION. **Sec. 102.** (1) Each county or group of counties shall
7 conduct an inventory of the services and resources available in the
8 county or group of counties to assist offenders in reentering the
9 community.

10 (2) In conducting its inventory, the county or group of counties
11 should consult with the following:

12 (a) The department of corrections, including community corrections
13 officers;

14 (b) The department of social and health services in applicable
15 program areas;

16 (c) Representatives from county human services departments and,
17 where applicable, multicounty regional support networks;

18 (d) Local public health jurisdictions;

19 (e) City and county law enforcement;

20 (f) Local probation/supervision programs;

21 (g) Local community and technical colleges;

22 (h) The local worksource center operated under the statewide
23 workforce investment system;

24 (i) Faith-based and nonprofit organizations providing assistance to
25 offenders;

26 (j) Housing providers;

27 (k) Crime victims service providers; and

28 (l) Other community stakeholders interested in reentry efforts.

29 (3) The inventory must include, but is not limited to:

30 (a) A list of programs available through the entities listed in
31 subsection (2) of this section and services currently available in the
32 community for offenders including, but not limited to, housing
33 assistance, employment assistance, education, vocational training,
34 parenting education, financial literacy, treatment for substance abuse,
35 mental health, anger management, life skills training, specialized
36 treatment programs such as batterers treatment and sex offender

1 treatment, and any other service or program that will assist the former
2 offender to successfully transition into the community; and

3 (b) An indication of the availability of community representatives
4 or volunteers to assist the offender with his or her transition.

5 (4) No later than January 1, 2008, each county or group of counties
6 shall present its inventory to the policy advisory committee convened
7 in section 103(8) of this act.

8 NEW SECTION. **Sec. 103.** (1) The department of community, trade,
9 and economic development shall establish a community transition
10 coordination network pilot program for the purpose of awarding grants
11 to counties or groups of counties for implementing coordinated reentry
12 efforts for offenders returning to the community. Grant awards are
13 subject to the availability of amounts appropriated for this specific
14 purpose.

15 (2) By September 1, 2007, the Washington state institute for public
16 policy shall, in consultation with the department of community, trade,
17 and economic development, develop criteria for the counties in
18 conducting its evaluation as directed by subsection (6)(c) of this
19 section.

20 (3) Effective February 1, 2008, any county or group of counties may
21 apply for participation in the community transition coordination
22 network pilot program by submitting a proposal for a community
23 transition coordination network.

24 (4) A proposal for a community transition coordination network
25 initiated under this section must be collaborative in nature and must
26 seek locally appropriate evidence-based or research-based solutions and
27 promising practices utilizing the participation of public and private
28 entities or programs to support successful, community-based offender
29 reentry.

30 (5) In developing a proposal for a community transition
31 coordination network, counties or groups of counties and the department
32 of corrections shall collaborate in addressing:

33 (a) Efficiencies that may be gained by sharing space or resources
34 in the provision of reentry services to offenders;

35 (b) Mechanisms for communication of information about offenders,
36 including the feasibility of shared access to databases;

1 (c) Partnerships to establish neighborhood corrections initiatives
2 as defined in section 302 of this act.

3 (6) A proposal for a community transition coordination network must
4 include:

5 (a) Descriptions of collaboration and coordination between local
6 community policing and supervision programs and those agencies and
7 entities identified in the inventory conducted pursuant to section 102
8 of this act to address the risks and needs of offenders under a
9 participating county or city misdemeanor probation or other
10 supervision program including:

11 (i) A proposed method of assessing offenders to identify the
12 offenders' risks and needs. Counties and cities are encouraged, where
13 possible, to make use of assessment tools developed by the department
14 of corrections in this regard;

15 (ii) A proposal for developing and/or maintaining an individual
16 reentry plan for offenders;

17 (iii) Connecting offenders to services and resources that meet the
18 offender's needs as identified in his or her individual reentry plan
19 including the identification of community representatives or volunteers
20 that may assist the offender with his or her transition; and

21 (iv) The communication of assessment information, individual
22 reentry plans, and service information between parties involved with
23 offender's reentry;

24 (b) Mechanisms to provide information to former offenders regarding
25 services available to them in the community regardless of the length of
26 time since the offender's release and regardless of whether the
27 offender was released from prison or jail. Mechanisms shall, at a
28 minimum, provide for:

29 (i) Maintenance of the information gathered in section 102 of this
30 act regarding services currently existing within the community that are
31 available to offenders; and

32 (ii) Coordination of access to existing services with community
33 providers and provision of information to offenders regarding how to
34 access the various type of services and resources that are available in
35 the community; and

36 (c) An evaluation of the county's or group of counties' readiness
37 to implement a community transition coordination network including the
38 social service needs of offenders in general, capacity of local

1 facilities and resources to meet offenders' needs, and the cost to
2 implement and maintain a community transition coordination network for
3 the duration of the pilot project.

4 (7) The department of community, trade, and economic development
5 shall review county applications for funding through the community
6 transition coordination network pilot program and, no later than April
7 1, 2008, shall select up to four counties or groups of counties. In
8 selecting pilot counties or regions, the department shall consider the
9 extent to which the proposal:

10 (a) Addresses the requirements set out in subsection (6) of this
11 section;

12 (b) Proposes effective partnerships and coordination between local
13 community policing and supervision programs, social service and
14 treatment providers, and the department of corrections' community
15 justice center, if a center is located in the county or region;

16 (c) Focuses on measurable outcomes such as increased employment and
17 income, treatment objectives, maintenance of stable housing, and
18 reduced recidivism;

19 (d) Contributes to the diversity of pilot programs, considering
20 factors such as geographic location, size of county or region, and
21 reentry services currently available. The department shall ensure that
22 a grant is awarded to at least one rural county or group of counties
23 and at least one county or group of counties where a community justice
24 center operated by the department of corrections is located; and

25 (e) Is feasible, given the evaluation of the social service needs
26 of offenders, the existing capacity of local facilities and resources
27 to meet offenders' needs, and the cost to implement a community
28 transition coordination network in the county or group of counties.

29 (8) The department of community, trade, and economic development
30 shall convene a policy advisory committee composed of representatives
31 from the senate, the house of representatives, the governor's office of
32 financial management, the department of corrections, to include one
33 representative who is a community corrections officer, the office of
34 crime victims' advocacy, the Washington state association of counties,
35 association of Washington cities, a nonprofit provider of reentry
36 services, and an ex-offender who has discharged the terms of his or her
37 sentence. The advisory committee shall meet no less than annually to
38 receive status reports on the implementation of community transition

1 coordination networks, review annual reports and the pilot project
2 evaluations submitted pursuant to section 105 of this act, and identify
3 evidence-based, research-based, and promising practices for other
4 counties seeking to establish community transition coordination
5 networks.

6 (9) Pilot networks established under this section shall extend for
7 a period of four fiscal years, beginning July 1, 2008, and ending June
8 30, 2012.

9 (10) This section expires June 30, 2013.

10 NEW SECTION. **Sec. 104.** (1) Nothing in section 103 of this act is
11 intended to shift the supervising responsibility or sanctioning
12 authority from one government entity to another or give a community
13 transition coordination network oversight responsibility for those
14 activities or allow imposition of civil liability where none existed
15 previously.

16 (2) An individual reentry plan may not be used as the basis of
17 liability against local government entities, or its officers or
18 employees.

19 NEW SECTION. **Sec. 105.** (1) It is the intent of the legislature to
20 provide funding for this project.

21 (2) Counties receiving state funds must:

22 (a) Demonstrate the funds allocated pursuant to this section will
23 be used only for those purposes in establishing and maintaining a
24 community transition coordination network;

25 (b) Consult with the Washington state institute for public policy
26 at the inception of the pilot project to refine appropriate outcome
27 measures and data tracking systems;

28 (c) Submit to the advisory committee established in section 103(8)
29 of this act an annual progress report by June 30th of each year of the
30 pilot project to report on identified outcome measures and identify
31 evidence-based, research-based, or promising practices;

32 (d) Cooperate with the Washington state institute for public policy
33 at the completion of the pilot project to conduct an evaluation of the
34 project.

35 (3) The Washington state institute for public policy shall provide
36 direction to counties in refining appropriate outcome measures for the

1 pilot projects and establishing data tracking systems. At the
2 completion of the pilot project, the institute shall conduct an
3 evaluation of the projects including the benefit-cost ratio of service
4 delivery through a community transition coordination network,
5 associated reductions in recidivism, and identification of evidence-
6 based, research-based, or promising practices. The institute shall
7 report to the governor and the legislature with the results of its
8 evaluation no later than December 31, 2012.

9 (4) This section expires June 30, 2013.

10 NEW SECTION. **Sec. 106.** (1) The community transition coordination
11 network account is created in the state treasury. The account may
12 receive legislative appropriations, gifts, and grants. Moneys in the
13 account may be spent only after appropriation. Expenditures from the
14 account may be used only for the purposes of section 103 of this act.

15 (2) This section expires June 30, 2013.

16 NEW SECTION. **Sec. 107.** Nothing in this act creates an entitlement
17 for a county or group of counties to receive funding under the program
18 created in section 103 of this act, nor an obligation for a county or
19 group of counties to maintain a community transition coordination
20 network established pursuant to section 103 of this act upon expiration
21 of state funding.

22 **Sec. 108.** RCW 72.09.300 and 1996 c 232 s 7 are each amended to
23 read as follows:

24 (1) Every county legislative authority shall by resolution or
25 ordinance establish a local law and justice council. The county
26 legislative authority shall determine the size and composition of the
27 council, which shall include the county sheriff and a representative of
28 the municipal police departments within the county, the county
29 prosecutor and a representative of the municipal prosecutors within the
30 county, a representative of the city legislative authorities within the
31 county, a representative of the county's superior, juvenile, district,
32 and municipal courts, the county jail administrator, the county clerk,
33 the county risk manager, and the secretary of corrections and his or
34 her designees. Officials designated may appoint representatives.

1 (2) A combination of counties may establish a local law and justice
2 council by intergovernmental agreement. The agreement shall comply
3 with the requirements of this section.

4 (3) The local law and justice council (~~((shall develop a local law
5 and justice plan for the county. The council shall design the elements
6 and scope of the plan, subject to final approval by the county
7 legislative authority. The general intent of the plan shall include
8 seeking means to maximize))~~) may address issues related to:

9 (a) Maximizing local resources including personnel and facilities,
10 (~~((reduce))~~) reducing duplication of services, and (~~((share))~~) sharing
11 resources between local and state government in order to accomplish
12 local efficiencies without diminishing effectiveness(~~(. The plan shall
13 also include a section on jail management. This section may include
14 the following elements:~~

15 ~~(a) A description of current jail conditions, including whether the
16 jail is overcrowded;~~

17 ~~(b) A description of potential alternatives to incarceration;~~

18 ~~(c) A description of current jail resources;~~

19 ~~(d) A description of the jail population as it presently exists and
20 how it is projected to change in the future;~~

21 ~~(e) A description of projected future resource requirements;~~

22 ~~(f) A proposed action plan, which shall include recommendations to
23 maximize resources, maximize the use of intermediate sanctions,
24 minimize overcrowding, avoid duplication of services, and effectively
25 manage the jail and the offender population;~~

26 ~~(g) A list of proposed advisory jail standards and methods to
27 effect periodic quality assurance inspections of the jail;~~

28 ~~(h) A proposed plan to collect, synthesize, and disseminate
29 technical information concerning local criminal justice activities,
30 facilities, and procedures;~~

31 ~~(i) A description of existing and potential services for offenders
32 including employment services, substance abuse treatment, mental health
33 services, and housing referral services.~~

34 ~~(4) The council may propose other elements of the plan, which shall
35 be subject to review and approval by the county legislative authority,
36 prior to their inclusion into the plan.~~

37 ~~(5))~~);

38 (b) Jail management;

1 (c) Mechanisms for communication of information about offenders,
2 including the feasibility of shared access to databases; and

3 (d) Partnerships between the department and local community
4 policing and supervision programs to facilitate supervision of
5 offenders under the respective jurisdictions of each and timely
6 response to an offender's failure to comply with the terms of
7 supervision.

8 (4) The county legislative authority may request technical
9 assistance in ~~((developing or implementing the plan from))~~ coordinating
10 services with other units or agencies of state or local government,
11 which shall include the department, the office of financial management,
12 and the Washington association of sheriffs and police chiefs.

13 ~~((+6))~~ (5) Upon receiving a request for assistance from a county,
14 the department may provide the requested assistance.

15 ~~((+7))~~ (6) The secretary may adopt rules for the submittal,
16 review, and approval of all requests for assistance made to the
17 department. ~~((The secretary may also appoint an advisory committee of~~
18 ~~local and state government officials to recommend policies and~~
19 ~~procedures relating to the state and local correctional systems and to~~
20 ~~assist the department in providing technical assistance to local~~
21 ~~governments. The committee shall include representatives of the county~~
22 ~~sheriffs, the police chiefs, the county prosecuting attorneys, the~~
23 ~~county and city legislative authorities, and the jail administrators.~~
24 ~~The secretary may contract with other state and local agencies and~~
25 ~~provide funding in order to provide the assistance requested by~~
26 ~~counties.~~

27 ~~(8) The department shall establish a base level of state~~
28 ~~correctional services, which shall be determined and distributed in a~~
29 ~~consistent manner statewide. The department's contributions to any~~
30 ~~local government, approved pursuant to this section, shall not operate~~
31 ~~to reduce this base level of services.~~

32 ~~(9) The council shall establish an advisory committee on juvenile~~
33 ~~justice proportionality. The council shall appoint the county juvenile~~
34 ~~court administrator and at least five citizens as advisory committee~~
35 ~~members. The citizen advisory committee members shall be~~
36 ~~representative of the county's ethnic and geographic diversity. The~~
37 ~~advisory committee members shall serve two year terms and may be~~
38 ~~reappointed. The duties of the advisory committee include:~~

1 ~~(a) Monitoring and reporting to the sentencing guidelines~~
2 ~~commission on the proportionality, effectiveness, and cultural~~
3 ~~relevance of:~~

4 ~~(i) The rehabilitative services offered by county and state~~
5 ~~institutions to juvenile offenders; and~~

6 ~~(ii) The rehabilitative services offered in conjunction with~~
7 ~~diversions, deferred dispositions, community supervision, and parole;~~

8 ~~(b) Reviewing citizen complaints regarding bias or~~
9 ~~disproportionality in that county's juvenile justice system;~~

10 ~~(c) By September 1 of each year, beginning with 1995, submit to the~~
11 ~~sentencing guidelines commission a report summarizing the advisory~~
12 ~~committee's findings under (a) and (b) of this subsection.)~~

13 NEW SECTION. **Sec. 109.** Sections 101 through 107 of this act
14 constitute a new chapter in Title 72 RCW.

15 **PART II - INDIVIDUAL REENTRY PLAN**

16 NEW SECTION. **Sec. 201.** Individual reentry plans are intended to
17 be a tool for the department of corrections to identify the needs of an
18 offender. Individual reentry plans are meant to assist the department
19 in targeting programming and services to offenders with the greatest
20 need and to the extent that those services are funded and available.
21 The state cannot meet every need that may have contributed to every
22 offender's criminal proclivities. Further, an individual reentry plan,
23 and the programming resulting from that plan, are not a guarantee that
24 an offender will not recidivate. Rather, the legislature intends that
25 by identifying offender needs and offering programs that have been
26 proven to reduce the likelihood of reoffense, the state will benefit by
27 an overall reduction in recidivism.

28 **Sec. 202.** RCW 72.09.015 and 2004 c 167 s 6 are each amended to
29 read as follows:

30 The definitions in this section apply throughout this chapter.

31 (1) "Adult basic education" means education or instruction designed
32 to achieve general competence of skills in reading, writing, and oral
33 communication, including English as a second language and preparation

1 and testing services for obtaining a high school diploma or a general
2 equivalency diploma.

3 (2) "Base level of correctional services" means the minimum level
4 of field services the department of corrections is required by statute
5 to provide for the supervision and monitoring of offenders.

6 ((+2)) (3) "Contraband" means any object or communication the
7 secretary determines shall not be allowed to be: (a) Brought into; (b)
8 possessed while on the grounds of; or (c) sent from any institution
9 under the control of the secretary.

10 ((+3)) (4) "County" means a county or combination of counties.

11 ((+4)) (5) "Department" means the department of corrections.

12 ((+5)) (6) "Earned early release" means earned release as
13 authorized by RCW 9.94A.728.

14 ((+6)) (7) "Evidence-based" means a program or practice that has
15 had multiple-site random controlled trials across heterogeneous
16 populations demonstrating that the program or practice is effective in
17 reducing recidivism for the population.

18 (8) "Extended family visit" means an authorized visit between an
19 inmate and a member of his or her immediate family that occurs in a
20 private visiting unit located at the correctional facility where the
21 inmate is confined.

22 ((+7)) (9) "Good conduct" means compliance with department rules
23 and policies.

24 ((+8)) (10) "Good performance" means successful completion of a
25 program required by the department, including an education, work, or
26 other program.

27 ((+9)) (11) "Immediate family" means the inmate's children,
28 stepchildren, grandchildren, great grandchildren, parents, stepparents,
29 grandparents, great grandparents, siblings, and a person legally
30 married to an inmate. "Immediate family" does not include an inmate
31 adopted by another inmate or the immediate family of the adopted or
32 adopting inmate.

33 ((+10)) (12) "Indigent inmate," "indigent," and "indigency" mean
34 an inmate who has less than a ten-dollar balance of disposable income
35 in his or her institutional account on the day a request is made to
36 utilize funds and during the thirty days previous to the request.

37 ((+11)) (13) "Individual reentry plan" means the plan to prepare
38 an offender for release into the community. It should be developed

1 collaboratively between the department and the offender and based on an
2 assessment of the offender using a standardized and comprehensive tool
3 to identify the offenders' risks and needs. The individual reentry
4 plan describes actions that should occur to prepare individual
5 offenders for release from prison or jail, specifies the supervision
6 and services they will experience in the community, and describes an
7 offender's eventual discharge to aftercare upon successful completion
8 of supervision. An individual reentry plan is updated throughout the
9 period of an offender's incarceration and supervision to be relevant to
10 the offender's current needs and risks.

11 (14) "Inmate" means a person committed to the custody of the
12 department, including but not limited to persons residing in a
13 correctional institution or facility and persons released on furlough,
14 work release, or community custody, and persons received from another
15 state, state agency, county, or federal jurisdiction.

16 ((+12+)) (15) "Privilege" means any goods or services, education or
17 work programs, or earned early release days, the receipt of which are
18 directly linked to an inmate's (a) good conduct; and (b) good
19 performance. Privileges do not include any goods or services the
20 department is required to provide under the state or federal
21 Constitution or under state or federal law.

22 ((+13+)) (16) "Promising practice" means a practice that presents,
23 based on preliminary information, potential for becoming a
24 research-based or consensus-based practice.

25 (17) "Research-based" means a program or practice that has some
26 research demonstrating effectiveness, but that does not yet meet the
27 standard of evidence-based practices.

28 (18) "Secretary" means the secretary of corrections or his or her
29 designee.

30 ((+14+)) (19) "Significant expansion" includes any expansion into
31 a new product line or service to the class I business that results from
32 an increase in benefits provided by the department, including a
33 decrease in labor costs, rent, or utility rates (for water, sewer,
34 electricity, and disposal), an increase in work program space, tax
35 advantages, or other overhead costs.

36 ((+15+)) (20) "Superintendent" means the superintendent of a
37 correctional facility under the jurisdiction of the Washington state
38 department of corrections, or his or her designee.

1 ~~((16))~~ (21) "Unfair competition" means any net competitive
2 advantage that a business may acquire as a result of a correctional
3 industries contract, including labor costs, rent, tax advantages,
4 utility rates (water, sewer, electricity, and disposal), and other
5 overhead costs. To determine net competitive advantage, the
6 correctional industries board shall review and quantify any expenses
7 unique to operating a for-profit business inside a prison.

8 ~~((17))~~ (22) "Vocational training" or "vocational education" means
9 "vocational education" as defined in RCW 72.62.020.

10 (23) "Washington business" means an in-state manufacturer or
11 service provider subject to chapter 82.04 RCW existing on June 10,
12 2004.

13 ~~((18))~~ (24) "Work programs" means all classes of correctional
14 industries jobs authorized under RCW 72.09.100.

15 NEW SECTION. **Sec. 203.** A new section is added to chapter 72.09
16 RCW to read as follows:

17 (1) The department of corrections shall develop an individual
18 reentry plan as defined in RCW 72.09.015 for every offender who is
19 committed to the jurisdiction of the department except:

20 (a) Offenders who are sentenced to life without the possibility of
21 release or sentenced to death under chapter 10.95 RCW; and

22 (b) Offenders who are subject to the provisions of 8 U.S.C. Sec.
23 1227.

24 (2) The individual reentry plan may be one document, or may be a
25 series of individual plans that combine to meet the requirements of
26 this section.

27 (3) In developing individual reentry plans, the department shall
28 assess all offenders using standardized and comprehensive tools to
29 identify the criminogenic risks, programmatic needs, and educational
30 and vocational skill levels for each offender. The assessment tool
31 should take into account demographic biases, such as culture, age, and
32 gender, as well as the needs of the offender, including any learning
33 disabilities, substance abuse or mental health issues, and social or
34 behavior deficits.

35 (4)(a) The initial assessment shall be conducted as early as
36 sentencing, but, whenever possible, no later than forty-five days of
37 being sentenced to the jurisdiction of the department of corrections.

1 (b) The offender's individual reentry plan shall be developed as
2 soon as possible after the initial assessment is conducted, but,
3 whenever possible, no later than sixty days after completion of the
4 assessment, and shall be periodically reviewed and updated as
5 appropriate.

6 (5) The individual reentry plan shall, at a minimum, include:

7 (a) A plan to maintain contact with the inmate's children and
8 family, if appropriate. The plan should determine whether parenting
9 classes, or other services, are appropriate to facilitate successful
10 reunification with the offender's children and family;

11 (b) An individualized portfolio for each offender that includes the
12 offender's education achievements, certifications, employment, work
13 experience, skills, and any training received prior to and during
14 incarceration; and

15 (c) A plan for the offender during the period of incarceration
16 through reentry into the community that addresses the needs of the
17 offender including education, employment, substance abuse treatment,
18 mental health treatment, family reunification, and other areas which
19 are needed to facilitate a successful reintegration into the community.

20 (6)(a) Prior to discharge of any offender, the department shall:

21 (i) Evaluate the offender's needs and, to the extent possible,
22 connect the offender with existing services and resources that meet
23 those needs; and

24 (ii) Connect the offender with a community justice center and/or
25 community transition coordination network in the area in which the
26 offender will be residing once released from the correctional system if
27 one exists.

28 (b) If the department recommends partial confinement in an
29 offender's individual reentry plan, the department shall maximize the
30 period of partial confinement for the offender as allowed pursuant to
31 RCW 9.94A.728 to facilitate the offender's transition to the community.

32 (7) The department shall establish mechanisms for sharing
33 information from individual reentry plans to those persons involved
34 with the offender's treatment, programming, and reentry, when deemed
35 appropriate. When feasible, this information shall be shared
36 electronically.

37 (8)(a) In determining the county of discharge for an offender
38 released to community custody or community placement, the department

1 may not approve a residence location that is not in the offender's
2 county of origin unless it is determined by the department that the
3 offender's return to his or her county of origin would be inappropriate
4 considering any court-ordered condition of the offender's sentence,
5 victim safety concerns, negative influences on the offender in the
6 community, or the location of family or other sponsoring persons or
7 organizations that will support the offender.

8 (b) If the offender is not returned to his or her county of origin,
9 the department shall provide the law and justice council of the county
10 in which the offender is placed with a written explanation.

11 (c) For purposes of this section, the offender's county of origin
12 means the county of the offender's first felony conviction in
13 Washington.

14 (9) Nothing in this section creates a vested right in programming,
15 education, or other services.

16 **PART III - PARTIAL CONFINEMENT AND SUPERVISION**

17 NEW SECTION. **Sec. 301.** (1) The legislature intends that
18 Washington's work release centers be transformed into residential
19 reentry centers with the capacity to provide or connect offenders with
20 the full range of reentry services to achieve measurable outcomes. The
21 Washington state institute for public policy shall conduct a
22 comprehensive analysis and evaluation of residential reentry centers
23 and work release facilities to identify evidence-based, research-based,
24 and promising practices or programs for the state of Washington and the
25 necessary performance measures that show the greatest quality,
26 effectiveness, and efficiency of the program on key outcomes. The
27 research should include an examination of reentry and work release
28 practices in both urban and rural areas and both inside and outside of
29 the state of Washington. The institute should identify what services
30 or combination of services should be provided to participants of
31 residential reentry centers and the length of time services should be
32 provided to optimize the successful transition of an offender back into
33 society.

34 (2) By May 1, 2008, the secretary of the department of corrections,
35 or the secretary's designee, shall convene and chair a work group to
36 review current laws and policy regarding work release.

1 (3) In addition to the secretary of the department of corrections,
2 the following shall be members of the work group: A representative
3 appointed by the governor, a community corrections officer, a
4 representative of the Washington association of prosecuting attorneys,
5 a representative of the superior court judges association, a member
6 selected by the Washington association of sheriffs and police chiefs,
7 a representative from the Washington state association of counties, a
8 representative from the association of Washington cities, a
9 representative from contract work release facilities in the state, a
10 representative from state-run work release facilities in the state, a
11 representative from a nonprofit organization that works with former
12 offenders who have completed a work release program, a crime victims'
13 advocate, and a representative from the department of community, trade,
14 and economic development. The secretary may designate a person to
15 serve in his or her place. Members of the work group shall serve
16 without compensation.

17 (4) In conducting its review, the work group must review and make
18 recommendations for changes to corrections law and policies to ensure
19 that:

20 (a) Work release facilities are transformed into residential
21 reentry centers so that participants are provided with a combination of
22 reentry services that conform to evidence-based, research-based, or
23 promising practices as identified by the institute;

24 (b) Residential reentry centers lead to meaningful employment for
25 offenders participating in the program;

26 (c) A plan is identified to ensure that residential reentry centers
27 are distributed throughout the state;

28 (d) Residential reentry centers are of a size consistent with
29 evidence-based, research-based, or promising practices and appropriate
30 to the community in which they are located;

31 (e) Communities are given meaningful avenues for ongoing
32 consultation regarding the establishment and operation of residential
33 reentry centers in their area;

34 (f) Victim and community safety concerns are given priority when
35 determining appropriate placement in residential reentry centers for
36 individual offenders;

37 (g) Eligibility time to participate in residential reentry centers
38 is sufficient to make it a meaningful experience for offenders; and

1 (h) Programs have the necessary performance measures needed to
2 effectively monitor the quality, effectiveness, and efficiency of the
3 programs.

4 (5) To the extent practicable, the institute shall cooperate with
5 the work group.

6 (6)(a) The institute shall report its results and recommendations
7 to the governor and the legislature no later than November 15, 2007.

8 (b) The department of corrections shall report the results and
9 recommendations of the work group to the governor and the legislature
10 no later than November 15, 2008.

11 NEW SECTION. **Sec. 302.** A new section is added to chapter 72.09
12 RCW to read as follows:

13 (1) The department shall continue to establish community justice
14 centers throughout the state for the purpose of providing comprehensive
15 services and monitoring for offenders who are reentering the community.

16 (2) For the purposes of this chapter, "community justice center" is
17 defined as a nonresidential facility staffed primarily by the
18 department in which recently released offenders may access services
19 necessary to improve their successful reentry into the community. Such
20 services may include but are not limited to, those listed in the
21 individual reentry plan, mental health, chemical dependency, sex
22 offender treatment, anger management, parenting education, financial
23 literacy, housing assistance, and employment assistance.

24 (3) At a minimum, the community justice center shall include:

25 (a) A violator program to allow the department to utilize a range
26 of available sanctions for offenders who violate conditions of their
27 supervision;

28 (b) An employment opportunity program to assist an offender in
29 finding employment; and

30 (c) Resources for connecting offenders with services such as
31 treatment, transportation, training, family reunification, and
32 community services.

33 (4) In addition to any other programs or services offered by a
34 community justice center, the department shall designate a transition
35 coordinator to facilitate connections between the former offender and
36 the community. The department may designate transition coordination
37 services to be provided by a community transition coordination network

1 pursuant to section 103 of this act if one has been established in the
2 community where the community justice center is located and the
3 department has entered into a memorandum of understanding with the
4 county to share resources.

5 (5) The transition coordinator shall provide information to former
6 offenders regarding services available to them in the community
7 regardless of the length of time since the offender's release from the
8 correctional facility. The transition coordinator shall, at a minimum,
9 be responsible for the following:

10 (a) Gathering and maintaining information regarding services
11 currently existing within the community that are available to offenders
12 including, but not limited to:

13 (i) Programs offered through the department of social and health
14 services, the department of health, the department of licensing,
15 housing authorities, local community and technical colleges, other
16 state or federal entities which provide public benefits, and nonprofit
17 entities;

18 (ii) Services such as housing assistance, employment assistance,
19 education, vocational training, parent education, financial literacy,
20 treatment for substance abuse, mental health, anger management, and any
21 other service or program that will assist the former offender to
22 successfully transition into the community;

23 (b) Coordinating access to the existing services with the community
24 providers and provide offenders with information regarding how to
25 access the various type of services and resources that are available in
26 the community.

27 (6)(a) A minimum of six community justice centers shall be
28 operational by December 1, 2009. The six community justice centers
29 include those in operation on the effective date of this section.

30 (b) By December 1, 2011, the department shall establish a minimum
31 of three additional community justice centers within the state.

32 (7) In locating new centers, the department shall:

33 (a) Give priority to the counties with the largest population of
34 offenders who were under the jurisdiction of the department of
35 corrections and that do not already have a community justice center;

36 (b) Ensure that at least two centers are operational in eastern
37 Washington; and

1 (c) Comply with section 303 of this act and all applicable zoning
2 laws and regulations.

3 (8) Before beginning the siting or opening of the new community
4 justice center, the department shall:

5 (a) Notify the city, if applicable, and the county within which the
6 community justice center is proposed. Such notice shall occur at least
7 sixty days prior to selecting a specific location to provide the
8 services listed in this section;

9 (b) Consult with the community providers listed in subsection (5)
10 of this section to determine if they have the capacity to provide
11 services to offenders through the community justice center; and

12 (c) Give due consideration to all comments received in response to
13 the notice of the start of site selection and consultation with
14 community providers.

15 (9) The department shall make efforts to enter into memoranda of
16 understanding or agreements with the local community policing and
17 supervision programs as defined in section 101 of this act in which the
18 community justice center is located to address:

19 (a) Efficiencies that may be gained by sharing space or resources
20 in the provision of reentry services to offenders, including services
21 provided through a community transition coordination network
22 established pursuant to section 103 of this act if a network has been
23 established in the county;

24 (b) Mechanisms for communication of information about offenders,
25 including the feasibility of shared access to databases;

26 (c) Partnerships to establish neighborhood corrections initiatives
27 between the department of corrections and local police to supervise
28 offenders.

29 (i) A neighborhood corrections initiative includes shared
30 mechanisms to facilitate supervision of offenders which may include
31 activities such as joint emphasis patrols to monitor high-risk
32 offenders, service of bench and secretary warrants and detainers, joint
33 field visits, connecting offenders with services, and, where
34 appropriate, directing offenders into sanction alternatives in lieu of
35 incarceration.

36 (ii) The agreement must address:

37 (A) The roles and responsibilities of police officers and
38 corrections staff participating in the partnership; and

1 (B) The amount of corrections staff and police officer time that
2 will be dedicated to partnership efforts.

3 NEW SECTION. **Sec. 303.** A new section is added to chapter 72.09
4 RCW to read as follows:

5 (1) No later than July 1, 2007, and every biennium thereafter
6 starting with the biennium beginning July 1, 2009, the department shall
7 prepare a list of counties and rural multicounty geographic areas in
8 which work release facilities, community justice centers and other
9 community-based correctional facilities are anticipated to be sited
10 during the next three fiscal years and transmit the list to the office
11 of financial management and the counties on the list. The list may be
12 updated as needed.

13 (2) In preparing the list, the department shall make substantial
14 efforts to provide for the equitable distribution of work release,
15 community justice centers, or other community-based correctional
16 facilities among counties. The department shall give great weight to
17 the following factors in determining equitable distribution:

18 (a) The locations of existing residential facilities owned or
19 operated by, or operated under contract with, the department in each
20 county;

21 (b) The number and proportion of adult offenders sentenced to the
22 custody or supervision of the department by the courts of the county or
23 rural multicounty geographic area; and

24 (c) The number of adult registered sex offenders classified as
25 level II or III and adult sex offenders registered per thousand persons
26 residing in the county.

27 (3) For purposes of this section, "equitable distribution" means
28 siting or locating work release, community justice centers, or other
29 community-based correctional facilities in a manner that reasonably
30 reflects the proportion of offenders sentenced to the custody or
31 supervision of the department by the courts of each county or rural
32 multicounty geographic area designated by the department, and, to the
33 extent practicable, the proportion of offenders residing in particular
34 jurisdictions or communities within such counties or rural multicounty
35 geographic areas. Equitable distribution is a policy goal, not a basis
36 for any legal challenge to the siting, construction, occupancy, or
37 operation of any facility anywhere in the state.

1 **Sec. 304.** RCW 9.94A.728 and 2004 c 176 s 6 are each amended to
2 read as follows:

3 No person serving a sentence imposed pursuant to this chapter and
4 committed to the custody of the department shall leave the confines of
5 the correctional facility or be released prior to the expiration of the
6 sentence except as follows:

7 (1) Except as otherwise provided for in subsection (2) of this
8 section, the term of the sentence of an offender committed to a
9 correctional facility operated by the department may be reduced by
10 earned release time in accordance with procedures that shall be
11 developed and promulgated by the correctional agency having
12 jurisdiction in which the offender is confined. The earned release
13 time shall be for good behavior and good performance, as determined by
14 the correctional agency having jurisdiction. The correctional agency
15 shall not credit the offender with earned release credits in advance of
16 the offender actually earning the credits. Any program established
17 pursuant to this section shall allow an offender to earn early release
18 credits for presentence incarceration. If an offender is transferred
19 from a county jail to the department, the administrator of a county
20 jail facility shall certify to the department the amount of time spent
21 in custody at the facility and the amount of earned release time. An
22 offender who has been convicted of a felony committed after July 23,
23 1995, that involves any applicable deadly weapon enhancements under RCW
24 9.94A.533 (3) or (4), or both, shall not receive any good time credits
25 or earned release time for that portion of his or her sentence that
26 results from any deadly weapon enhancements.

27 (a) In the case of an offender convicted of a serious violent
28 offense, or a sex offense that is a class A felony, committed on or
29 after July 1, 1990, and before July 1, 2003, the aggregate earned
30 release time may not exceed fifteen percent of the sentence. In the
31 case of an offender convicted of a serious violent offense, or a sex
32 offense that is a class A felony, committed on or after July 1, 2003,
33 the aggregate earned release time may not exceed ten percent of the
34 sentence.

35 (b)(i) In the case of an offender who qualifies under (b)(ii) of
36 this subsection, the aggregate earned release time may not exceed fifty
37 percent of the sentence.

1 (ii) An offender is qualified to earn up to fifty percent of
2 aggregate earned release time under this subsection (1)(b) if he or
3 she:

4 (A) Is classified in one of the two lowest risk categories under
5 (b)(iii) of this subsection;

6 (B) Is not confined pursuant to a sentence for:

7 (I) A sex offense;

8 (II) A violent offense;

9 (III) A crime against persons as defined in RCW 9.94A.411;

10 (IV) A felony that is domestic violence as defined in RCW
11 10.99.020;

12 (V) A violation of RCW 9A.52.025 (residential burglary);

13 (VI) A violation of, or an attempt, solicitation, or conspiracy to
14 violate, RCW 69.50.401 by manufacture or delivery or possession with
15 intent to deliver methamphetamine; or

16 (VII) A violation of, or an attempt, solicitation, or conspiracy to
17 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

18 ((and))

19 (C) Has no prior conviction for:

20 (I) A sex offense;

21 (II) A violent offense;

22 (III) A crime against persons as defined in RCW 9.94A.411;

23 (IV) A felony that is domestic violence as defined in RCW
24 10.99.020;

25 (V) A violation of RCW 9A.52.025 (residential burglary);

26 (VI) A violation of, or an attempt, solicitation, or conspiracy to
27 violate, RCW 69.50.401 by manufacture or delivery or possession with
28 intent to deliver methamphetamine; or

29 (VII) A violation of, or an attempt, solicitation, or conspiracy to
30 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

31 (D) Participates in programming or activities as directed by the
32 offender's individual reentry plan as provided under section 203 of
33 this act to the extent that such programming or activities are made
34 available by the department; and

35 (E) Has not committed a new felony after the effective date of this
36 section while under community supervision, community placement, or
37 community custody.

1 (iii) For purposes of determining an offender's eligibility under
2 this subsection (1)(b), the department shall perform a risk assessment
3 of every offender committed to a correctional facility operated by the
4 department who has no current or prior conviction for a sex offense, a
5 violent offense, a crime against persons as defined in RCW 9.94A.411,
6 a felony that is domestic violence as defined in RCW 10.99.020, a
7 violation of RCW 9A.52.025 (residential burglary), a violation of, or
8 an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by
9 manufacture or delivery or possession with intent to deliver
10 methamphetamine, or a violation of, or an attempt, solicitation, or
11 conspiracy to violate, RCW 69.50.406 (delivery of a controlled
12 substance to a minor). The department must classify each assessed
13 offender in one of four risk categories between highest and lowest
14 risk.

15 (iv) The department shall recalculate the earned release time and
16 reschedule the expected release dates for each qualified offender under
17 this subsection (1)(b).

18 (v) This subsection (1)(b) applies retroactively to eligible
19 offenders serving terms of total confinement in a state correctional
20 facility as of July 1, 2003.

21 (vi) This subsection (1)(b) does not apply to offenders convicted
22 after July 1, 2010.

23 (c) In no other case shall the aggregate earned release time exceed
24 one-third of the total sentence;

25 (2)(a) A person convicted of a sex offense or an offense
26 categorized as a serious violent offense, assault in the second degree,
27 vehicular homicide, vehicular assault, assault of a child in the second
28 degree, any crime against persons where it is determined in accordance
29 with RCW 9.94A.602 that the offender or an accomplice was armed with a
30 deadly weapon at the time of commission, or any felony offense under
31 chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become
32 eligible, in accordance with a program developed by the department, for
33 transfer to community custody status in lieu of earned release time
34 pursuant to subsection (1) of this section;

35 (b) A person convicted of a sex offense, a violent offense, any
36 crime against persons under RCW 9.94A.411(2), or a felony offense under
37 chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may

1 become eligible, in accordance with a program developed by the
2 department, for transfer to community custody status in lieu of earned
3 release time pursuant to subsection (1) of this section;

4 (c) The department shall, as a part of its program for release to
5 the community in lieu of earned release, require the offender to
6 propose a release plan that includes an approved residence and living
7 arrangement. All offenders with community placement or community
8 custody terms eligible for release to community custody status in lieu
9 of earned release shall provide an approved residence and living
10 arrangement prior to release to the community;

11 (d) The department may deny transfer to community custody status in
12 lieu of earned release time pursuant to subsection (1) of this section
13 if the department determines an offender's release plan, including
14 proposed residence location and living arrangements, may violate the
15 conditions of the sentence or conditions of supervision, place the
16 offender at risk to violate the conditions of the sentence, place the
17 offender at risk to reoffend, or present a risk to victim safety or
18 community safety. The department's authority under this section is
19 independent of any court-ordered condition of sentence or statutory
20 provision regarding conditions for community custody or community
21 placement;

22 (e) If the department denies transfer to community custody status
23 in lieu of earned early release pursuant to (d) of this subsection, the
24 department may transfer an offender to partial confinement in lieu of
25 earned early release up to three months. The three months in partial
26 confinement is in addition to that portion of the offender's term of
27 confinement that may be served in partial confinement as provided in
28 this section;

29 (f) An offender serving a term of confinement imposed under RCW
30 9.94A.670(4)(a) is not eligible for earned release credits under this
31 section;

32 (3) An offender may leave a correctional facility pursuant to an
33 authorized furlough or leave of absence. In addition, offenders may
34 leave a correctional facility when in the custody of a corrections
35 officer or officers;

36 (4)(a) The secretary may authorize an extraordinary medical
37 placement for an offender when all of the following conditions exist:

1 (i) The offender has a medical condition that is serious enough to
2 require costly care or treatment;

3 (ii) The offender poses a low risk to the community because he or
4 she is physically incapacitated due to age or the medical condition;
5 and

6 (iii) Granting the extraordinary medical placement will result in
7 a cost savings to the state.

8 (b) An offender sentenced to death or to life imprisonment without
9 the possibility of release or parole is not eligible for an
10 extraordinary medical placement.

11 (c) The secretary shall require electronic monitoring for all
12 offenders in extraordinary medical placement unless the electronic
13 monitoring equipment interferes with the function of the offender's
14 medical equipment or results in the loss of funding for the offender's
15 medical care. The secretary shall specify who shall provide the
16 monitoring services and the terms under which the monitoring shall be
17 performed.

18 (d) The secretary may revoke an extraordinary medical placement
19 under this subsection at any time;

20 (5) The governor, upon recommendation from the clemency and pardons
21 board, may grant an extraordinary release for reasons of serious health
22 problems, senility, advanced age, extraordinary meritorious acts, or
23 other extraordinary circumstances;

24 (6) No more than the final six months of the ~~((sentence))~~
25 offender's term of confinement may be served in partial confinement
26 designed to aid the offender in finding work and reestablishing himself
27 or herself in the community. This is in addition to that period of
28 earned early release time that may be exchanged for partial confinement
29 pursuant to subsection (2)(e) of this section;

30 (7) The governor may pardon any offender;

31 (8) The department may release an offender from confinement any
32 time within ten days before a release date calculated under this
33 section; and

34 (9) An offender may leave a correctional facility prior to
35 completion of his or her sentence if the sentence has been reduced as
36 provided in RCW 9.94A.870.

37 Notwithstanding any other provisions of this section, an offender
38 sentenced for a felony crime listed in RCW 9.94A.540 as subject to a

1 mandatory minimum sentence of total confinement shall not be released
2 from total confinement before the completion of the listed mandatory
3 minimum sentence for that felony crime of conviction unless allowed
4 under RCW 9.94A.540, however persistent offenders are not eligible for
5 extraordinary medical placement.

6 **Sec. 305.** RCW 9.94A.737 and 2005 c 435 s 3 are each amended to
7 read as follows:

8 (1) If an offender violates any condition or requirement of
9 community custody, the department may transfer the offender to a more
10 restrictive confinement status to serve up to the remaining portion of
11 the sentence, less credit for any period actually spent in community
12 custody or in detention awaiting disposition of an alleged violation
13 and subject to the limitations of subsection ~~((+2))~~ (3) of this
14 section.

15 (2) If an offender has not completed his or her maximum term of
16 total confinement and is subject to a third violation hearing for any
17 violation of community custody and is found to have committed the
18 violation, the department shall return the offender to total
19 confinement in a state correctional facility to serve up to the
20 remaining portion of his or her sentence, unless it is determined that
21 returning the offender to a state correctional facility would
22 substantially interfere with the offender's ability to maintain
23 necessary community supports or to participate in necessary treatment
24 or programming and would substantially increase the offender's
25 likelihood of reoffending.

26 (3)(a) For a sex offender sentenced to a term of community custody
27 under RCW 9.94A.670 who violates any condition of community custody,
28 the department may impose a sanction of up to sixty days' confinement
29 in a local correctional facility for each violation. If the department
30 imposes a sanction, the department shall submit within seventy-two
31 hours a report to the court and the prosecuting attorney outlining the
32 violation or violations and the sanctions imposed.

33 (b) For a sex offender sentenced to a term of community custody
34 under RCW 9.94A.710 who violates any condition of community custody
35 after having completed his or her maximum term of total confinement,
36 including time served on community custody in lieu of earned release,

1 the department may impose a sanction of up to sixty days in a local
2 correctional facility for each violation.

3 (c) For an offender sentenced to a term of community custody under
4 RCW 9.94A.505(2)(b), 9.94A.650, or 9.94A.715, or under RCW 9.94A.545,
5 for a crime committed on or after July 1, 2000, who violates any
6 condition of community custody after having completed his or her
7 maximum term of total confinement, including time served on community
8 custody in lieu of earned release, the department may impose a sanction
9 of up to sixty days in total confinement for each violation. The
10 department may impose sanctions such as work release, home detention
11 with electronic monitoring, work crew, community restitution, inpatient
12 treatment, daily reporting, curfew, educational or counseling sessions,
13 supervision enhanced through electronic monitoring, or any other
14 sanctions available in the community.

15 (d) For an offender sentenced to a term of community placement
16 under RCW 9.94A.705 who violates any condition of community placement
17 after having completed his or her maximum term of total confinement,
18 including time served on community custody in lieu of earned release,
19 the department may impose a sanction of up to sixty days in total
20 confinement for each violation. The department may impose sanctions
21 such as work release, home detention with electronic monitoring, work
22 crew, community restitution, inpatient treatment, daily reporting,
23 curfew, educational or counseling sessions, supervision enhanced
24 through electronic monitoring, or any other sanctions available in the
25 community.

26 ~~((+3))~~ (4) If an offender has been arrested for a new felony
27 offense while under community supervision, community custody, or
28 community placement, the department shall hold the offender in total
29 confinement until a hearing before the department as provided in this
30 section or until the offender has been formally charged for the new
31 felony offense, whichever is earlier. Nothing in this subsection
32 shall be construed as to permit the department to hold an offender past
33 his or her maximum term of total confinement if the offender has not
34 completed the maximum term of total confinement or to permit the
35 department to hold an offender past the offender's term of community
36 supervision, community custody, or community placement.

37 (5) The department shall be financially responsible for any portion

1 of the sanctions authorized by this section that are served in a local
2 correctional facility as the result of action by the department.

3 (6) If an offender is accused of violating any condition or
4 requirement of community custody, he or she is entitled to a hearing
5 before the department prior to the imposition of sanctions. The
6 hearing shall be considered as offender disciplinary proceedings and
7 shall not be subject to chapter 34.05 RCW. The department shall
8 develop hearing procedures and a structure of graduated sanctions.

9 ~~((4))~~ (7) The hearing procedures required under subsection
10 ~~((3))~~ (6) of this section shall be developed by rule and include the
11 following:

12 (a) Hearing officers shall report through a chain of command
13 separate from that of community corrections officers;

14 (b) The department shall provide the offender with written notice
15 of the violation, the evidence relied upon, and the reasons the
16 particular sanction was imposed. The notice shall include a statement
17 of the rights specified in this subsection, and the offender's right to
18 file a personal restraint petition under court rules after the final
19 decision of the department;

20 (c) The hearing shall be held unless waived by the offender, and
21 shall be electronically recorded. For offenders not in total
22 confinement, the hearing shall be held within fifteen working days, but
23 not less than twenty-four hours, after notice of the violation. For
24 offenders in total confinement, the hearing shall be held within five
25 working days, but not less than twenty-four hours, after notice of the
26 violation;

27 (d) The offender shall have the right to: (i) Be present at the
28 hearing; (ii) have the assistance of a person qualified to assist the
29 offender in the hearing, appointed by the hearing officer if the
30 offender has a language or communications barrier; (iii) testify or
31 remain silent; (iv) call witnesses and present documentary evidence;
32 and (v) question witnesses who appear and testify; and

33 (e) The sanction shall take effect if affirmed by the hearing
34 officer. Within seven days after the hearing officer's decision, the
35 offender may appeal the decision to a panel of three reviewing officers
36 designated by the secretary or by the secretary's designee. The
37 sanction shall be reversed or modified if a majority of the panel finds

1 that the sanction was not reasonably related to any of the following:
2 (i) The crime of conviction; (ii) the violation committed; (iii) the
3 offender's risk of reoffending; or (iv) the safety of the community.

4 ~~((+5))~~ (8) For purposes of this section, no finding of a violation
5 of conditions may be based on unconfirmed or unconfirmable allegations.

6 ~~((+6))~~ (9) The department shall work with the Washington
7 association of sheriffs and police chiefs to establish and operate an
8 electronic monitoring program for low-risk offenders who violate the
9 terms of their community custody. Between January 1, 2006, and
10 December 31, 2006, the department shall endeavor to place at least one
11 hundred low-risk community custody violators on the electronic
12 monitoring program per day if there are at least that many low-risk
13 offenders who qualify for the electronic monitoring program.

14 ~~((+7))~~ (10) Local governments, their subdivisions and employees,
15 the department and its employees, and the Washington association of
16 sheriffs and police chiefs and its employees shall be immune from civil
17 liability for damages arising from incidents involving low-risk
18 offenders who are placed on electronic monitoring unless it is shown
19 that an employee acted with gross negligence or bad faith.

20 NEW SECTION. Sec. 306. (1) A legislative task force on laws
21 related to community custody and community supervision is established.

22 (2) The task force shall be composed of fifteen members appointed
23 in the following manner:

24 (a) The president of the senate shall appoint one member from each
25 of the two largest caucuses of the senate;

26 (b) The speaker of the house of representatives shall appoint one
27 member from each of the two largest caucuses of the house of
28 representatives;

29 (c) The governor shall appoint the chair of the task force and the
30 following members:

31 (i) A superior court judge;

32 (ii) A representative of a prosecutor's association;

33 (iii) A defense attorney or representative of an organization of
34 defense attorneys;

35 (iv) A representative of local elected officials;

36 (v) A sheriff or representative of an organization of sheriffs;

1 (vi) A police chief or representative of an organization of police
2 chiefs;

3 (vii) A community corrections officer;

4 (viii) A crime victim or advocate;

5 (d) The following agencies shall also be represented on the task
6 force:

7 (i) The attorney general, or the attorney general's designee; and
8 (ii) The secretary of the department of corrections, or the
9 secretary's designee.

10 (3) The task force shall:

11 (a) Convene at the call of the chair by August 1, 2007;

12 (b) Review and analyze all statutes of the Revised Code of
13 Washington related to community custody and community supervision of
14 offenders;

15 (c) Make specific recommendations, if any, related to sentencing
16 laws that would allow the department of corrections and its community
17 corrections officers to more easily identify statutory requirements
18 associated with an offender's sentence;

19 (d) Make specific recommendations, if any, related to community
20 custody and community supervision laws that would allow the department
21 of corrections and its community corrections officers to more easily
22 identify statutory requirements associated with an offender's term of
23 community custody or supervision;

24 (e) Make specific recommendations, if any, related to the statutory
25 requirements of the violation hearing process that would enable the
26 department of corrections and its community corrections officers to
27 respond to an offender's behavior by imposing appropriate and timely
28 sanctions when necessary;

29 (f) Make specific recommendations related to definitions and
30 language used in the statutes, which would make the statutes easily
31 readable and unambiguous;

32 (g) Receive input from the public and interested stakeholders to
33 assist in making suggested changes; and

34 (h) Report its findings to the governor and legislature in the form
35 of a final report to be submitted by November 1, 2007.

36 (i) The report shall propose specific amendatory language wherever
37 possible, when making recommendations;

1 (ii) Each recommendation in the report shall, whenever possible,
2 site to specific evidence-based programs or promising programs which
3 support the recommended change;

4 (iii) Each recommendation in the report shall, whenever possible,
5 site to a specific study from the Washington institute for public
6 policy, national institute for justice, bureau of justice assistance,
7 or other academic study supporting the suggested change;

8 (iv) The report shall contain a summary of public comment.

9 (4) The task force shall use legislative facilities, and staff
10 support shall be provided by the office of financial management, senate
11 committee services, and house of representatives office of program
12 research.

13 (5) The Washington institute for public policy, the department of
14 corrections, and the sentencing guidelines commission shall cooperate
15 with the task force and provide all information and support reasonably
16 requested by the task force.

17 (6) Nonlegislative members of the task force shall serve without
18 compensation, but shall be reimbursed for travel expenses as provided
19 in RCW 43.03.050 and 43.03.060.

20 (7) Legislative members of the task force shall be reimbursed for
21 travel expenses in accordance with RCW 44.04.120.

22 (8) This section expires December 31, 2007.

23 NEW SECTION. **Sec. 307.** The department of corrections shall
24 conduct an updated community corrections workload study and report the
25 results of that study to the governor and the legislature on or before
26 November 1, 2007.

27 **PART IV - EDUCATION**

28 NEW SECTION. **Sec. 401.** Research and practice show that long-term
29 success in helping offenders prepare for economic self-sufficiency
30 requires strategies that address their education and employment needs.
31 Recent research suggests that a solid academic foundation and
32 employment- and career-focused programs can be cost-effective in
33 reducing the likelihood of reoffense. To this end, the legislature
34 intends that the state strive to provide every inmate with basic

1 academic skills as well as educational and vocational training designed
2 to meet the assessed needs of the offender.

3 Nonetheless, it is vital that offenders engaged in educational or
4 vocational training contribute to their own success. An offender
5 should financially contribute to his or her education, particularly
6 postsecondary educational pursuits. The legislature intends to provide
7 more flexibility for offenders in obtaining postsecondary education by
8 allowing third parties to make contributions to the offender's
9 education without mandatory deductions. In developing the loan
10 program, the department is encouraged to adopt rules and standards
11 similar to those that apply to students in noninstitutional settings
12 for issues such as applying for a loan, maintaining accountability, and
13 accruing interest on the loan obligation.

14 **Sec. 402.** RCW 72.09.460 and 2004 c 167 s 5 are each amended to
15 read as follows:

16 (1) The legislature intends that all inmates be required to
17 participate in department-approved education programs, work programs,
18 or both, unless exempted (~~(under subsection (4) of)~~) as specifically
19 provided in this section. Eligible inmates who refuse to participate
20 in available education or work programs available at no charge to the
21 inmates shall lose privileges according to the system established under
22 RCW 72.09.130. Eligible inmates who are required to contribute
23 financially to an education or work program and refuse to contribute
24 shall be placed in another work program. Refusal to contribute shall
25 not result in a loss of privileges.

26 (2) The legislature recognizes more inmates may agree to
27 participate in education and work programs than are available. The
28 department must make every effort to achieve maximum public benefit by
29 placing inmates in available and appropriate education and work
30 programs.

31 ~~((2) The department shall provide access to a program of education~~
32 ~~to all offenders who are under the age of eighteen and who have not met~~
33 ~~high school graduation or general equivalency diploma requirements in~~
34 ~~accordance with chapter 28A.193 RCW. The program of education~~
35 ~~established by the department and education provider under RCW~~
36 ~~28A.193.020 for offenders under the age of eighteen must provide each~~
37 ~~offender a choice of curriculum that will assist the inmate in~~

1 ~~achieving a high school diploma or general equivalency diploma. The~~
2 ~~program of education may include but not be limited to basic education,~~
3 ~~prevocational training, work ethic skills, conflict resolution~~
4 ~~counseling, substance abuse intervention, and anger management~~
5 ~~counseling. The curriculum may balance these and other rehabilitation,~~
6 ~~work, and training components.))~~

7 (3)(a) The department shall, to the extent possible and considering
8 all available funds, prioritize its resources to meet the following
9 goals for inmates in the order listed:

10 ((~~(a)~~)) (i) Achievement of basic academic skills through obtaining
11 a high school diploma or its equivalent ((~~and~~));

12 (ii) Achievement of vocational skills necessary for purposes of
13 work programs and for an inmate to qualify for work upon release;

14 ((~~(b)~~ Additional work and education programs based on assessments
15 and placements under subsection (5) of this section; and

16 ~~(c) Other work and education programs as appropriate.~~

17 (4) ~~The department shall establish, by rule, objective medical~~
18 ~~standards to determine when an inmate is physically or mentally unable~~
19 ~~to participate in available education or work programs. When the~~
20 ~~department determines an inmate is permanently unable to participate in~~
21 ~~any available education or work program due to a medical condition, the~~
22 ~~inmate is exempt from the requirement under subsection (1) of this~~
23 ~~section. When the department determines an inmate is temporarily~~
24 ~~unable to participate in an education or work program due to a medical~~
25 ~~condition, the inmate is exempt from the requirement of subsection (1)~~
26 ~~of this section for the period of time he or she is temporarily~~
27 ~~disabled. The department shall periodically review the medical~~
28 ~~condition of all temporarily disabled inmates to ensure the earliest~~
29 ~~possible entry or reentry by inmates into available programming.~~

30 (5) ~~The department shall establish, by rule, standards for~~
31 ~~participation in department approved education and work programs. The~~
32 ~~standards shall address the following areas:~~

33 (a) ~~Assessment. The department shall assess all inmates for their~~
34 ~~basic academic skill levels using a professionally accepted method of~~
35 ~~scoring reading, math, and language skills as grade level equivalents.~~
36 ~~The department shall determine an inmate's education history, work~~
37 ~~history, and vocational or work skills. The initial assessment shall~~
38 ~~be conducted, whenever possible, within the first thirty days of an~~

1 inmate's entry into the correctional system, except that initial
2 assessments are not required for inmates who are sentenced to life
3 without the possibility of release, assigned to an intensive management
4 unit within the first thirty days after entry into the correctional
5 system, are returning to the correctional system within one year of a
6 prior release, or whose physical or mental condition renders them
7 unable to complete the assessment process. The department shall track
8 and record changes in the basic academic skill levels of all inmates
9 reflected in any testing or assessment performed as part of their
10 education programming;

11 (b) Placement. The department shall follow the policies set forth
12 in subsection (1) of this section in establishing criteria for placing
13 inmates in education and work programs. The department shall, to the
14 extent possible, place all inmates whose composite grade level score
15 for basic academic skills is below the eighth grade level in a combined
16 education and work program. The placement criteria shall include at
17 least the following factors)) (iii) Additional work and education
18 programs necessary for compliance with an offender's individual reentry
19 plan under section 203 of this act with the exception of postsecondary
20 education degree programs as provided in section 403 of this act; and

21 (iv) Other appropriate vocational, work, or education programs that
22 are not necessary for compliance with an offender's individual reentry
23 plan under section 203 of this act with the exception of postsecondary
24 education degree programs as provided in section 403 of this act.

25 (b) If programming is provided pursuant to (a)(i) through (iii) of
26 this subsection, the department shall pay the cost of such programming,
27 including but not limited to books, materials, supplies, and postage
28 costs related to correspondence courses.

29 (c) If programming is provided pursuant to (a)(iv) of this
30 subsection, inmates shall be required to pay all or a portion of the
31 costs, including books, fees, and tuition, for participation in any
32 vocational, work, or education program as provided in department
33 policies. Department policies shall include a formula for determining
34 how much an offender shall be required to pay. The formula shall
35 include steps which correlate to an offender average monthly income or
36 average available balance in a personal inmate savings account and
37 which are correlated to a prorated portion or percent of the per credit
38 fee for tuition, books, or other ancillary costs. The formula shall be

1 reviewed every two years. A third party may pay directly to the
2 department all or a portion of costs and tuition for any programming
3 provided pursuant to (a)(iv) of this subsection on behalf of an inmate.
4 Such payments shall not be subject to any of the deductions as provided
5 in this chapter.

6 (d) The department may accept any and all donations and grants of
7 money, equipment, supplies, materials, and services from any third
8 party, including but not limited to nonprofit entities, and may
9 receive, utilize, and dispose of same to complete the purposes of this
10 section.

11 (e) Any funds collected by the department under (c) and (d) of this
12 subsection and subsections (8) and (9) of this section shall be used
13 solely for the creation, maintenance, or expansion of inmate
14 educational and vocational programs.

15 (4) The department shall provide access to a program of education
16 to all offenders who are under the age of eighteen and who have not met
17 high school graduation or general equivalency diploma requirements in
18 accordance with chapter 28A.193 RCW. The program of education
19 established by the department and education provider under RCW
20 28A.193.020 for offenders under the age of eighteen must provide each
21 offender a choice of curriculum that will assist the inmate in
22 achieving a high school diploma or general equivalency diploma. The
23 program of education may include but not be limited to basic education,
24 prevocational training, work ethic skills, conflict resolution
25 counseling, substance abuse intervention, and anger management
26 counseling. The curriculum may balance these and other rehabilitation,
27 work, and training components.

28 (5)(a) In addition to the policies set forth in this section, the
29 department shall consider the following factors in establishing
30 criteria for assessing the inclusion of education and work programs in
31 an inmate's individual reentry plan and in placing inmates in education
32 and work programs:

33 (i) An inmate's release date and custody level. An inmate shall
34 not be precluded from participating in an education or work program
35 solely on the basis of his or her release date, except that inmates
36 with a release date of more than one hundred twenty months in the
37 future shall not comprise more than ten percent of inmates

1 participating in a new class I correctional industry not in existence
2 on June 10, 2004;

- 3 (ii) An inmate's education history and basic academic skills;
- 4 (iii) An inmate's work history and vocational or work skills;
- 5 (iv) An inmate's economic circumstances, including but not limited
6 to an inmate's family support obligations; and
- 7 (v) Where applicable, an inmate's prior performance in department-
8 approved education or work programs;

9 ~~((c) Performance and goals.))~~ (b) The department shall establish,
10 and periodically review, inmate behavior standards and program goals
11 for all education and work programs. Inmates shall be notified of
12 applicable behavior standards and program goals prior to placement in
13 an education or work program and shall be removed from the education or
14 work program if they consistently fail to meet the standards or
15 goals(;

16 ~~(d) Financial responsibility. (i) The department shall establish
17 a formula by which inmates, based on their ability to pay, shall pay
18 all or a portion of the costs or tuition of certain programs. Inmates
19 shall, based on the formula, pay a portion of the costs or tuition of
20 participation in:~~

21 ~~(A) Second and subsequent vocational programs associated with an
22 inmate's work programs; and~~

23 ~~(B) An associate of arts or baccalaureate degree program when
24 placement in a degree program is the result of a placement made under
25 this subsection;~~

26 ~~(ii) Inmates shall pay all costs and tuition for participation in:~~

27 ~~(A) Any postsecondary academic degree program which is entered
28 independently of a placement decision made under this subsection; and~~

29 ~~(B) Second and subsequent vocational programs not associated with
30 an inmate's work program.~~

31 ~~Enrollment in any program specified in (d)(ii) of this subsection
32 shall only be allowed by correspondence or if there is an opening in an
33 education or work program at the institution where an inmate is
34 incarcerated and no other inmate who is placed in a program under this
35 subsection will be displaced; and~~

36 ~~(e) Notwithstanding any other provision in this section, an inmate
37 sentenced to life without the possibility of release:~~

1 ~~(i) Shall not be required to participate in education programming;~~
2 and

3 ~~(ii) May receive not more than one postsecondary academic degree in~~
4 ~~a program offered by the department or its contracted providers.~~

5 ~~If an inmate sentenced to life without the possibility of release~~
6 ~~requires prevocational or vocational training for a work program, he or~~
7 ~~she may participate in the training subject to this section.~~

8 ~~(6) The department shall coordinate education and work programs~~
9 ~~among its institutions, to the greatest extent possible, to facilitate~~
10 ~~continuity of programming among inmates transferred between~~
11 ~~institutions. Before transferring an inmate enrolled in a program, the~~
12 ~~department shall consider the effect the transfer will have on the~~
13 ~~inmate's ability to continue or complete a program. This subsection~~
14 ~~shall not be used to delay or prohibit a transfer necessary for~~
15 ~~legitimate safety or security concerns.~~

16 ~~(7) Before construction of a new correctional institution or~~
17 ~~expansion of an existing correctional institution, the department shall~~
18 ~~adopt a plan demonstrating how cable, closed circuit, and satellite~~
19 ~~television will be used for education and training purposes in the~~
20 ~~institution. The plan shall specify how the use of television in the~~
21 ~~education and training programs will improve inmates' preparedness for~~
22 ~~available work programs and job opportunities for which inmates may~~
23 ~~qualify upon release.~~

24 ~~(8) The department shall adopt a plan to reduce the per pupil cost~~
25 ~~of instruction by, among other methods, increasing the use of volunteer~~
26 ~~instructors and implementing technological efficiencies. The plan~~
27 ~~shall be adopted by December 1996 and shall be transmitted to the~~
28 ~~legislature upon adoption. The department shall, in adoption of the~~
29 ~~plan, consider distance learning, satellite instruction, video tape~~
30 ~~usage, computer aided instruction, and flexible scheduling of offender~~
31 ~~instruction.~~

32 ~~(9) Following completion of the review required by section 27(3),~~
33 ~~chapter 19, Laws of 1995 1st sp. sess. the department shall take all~~
34 ~~necessary steps to assure the vocation and education programs are~~
35 ~~relevant to work programs and skills necessary to enhance the~~
36 ~~employability of inmates upon release)).~~

37 (6) Eligible inmates who refuse to participate in available
38 education or work programs available at no charge to the inmates shall

1 lose privileges according to the system established under RCW
2 72.09.130. Eligible inmates who are required to contribute financially
3 to an education or work program and refuse to contribute shall be
4 placed in another work program. Refusal to contribute shall not result
5 in a loss of privileges.

6 (7) The department shall establish, by rule, objective medical
7 standards to determine when an inmate is physically or mentally unable
8 to participate in available education or work programs. When the
9 department determines an inmate is permanently unable to participate in
10 any available education or work program due to a health condition, the
11 inmate is exempt from the requirement under subsection (1) of this
12 section. When the department determines an inmate is temporarily
13 unable to participate in an education or work program due to a medical
14 condition, the inmate is exempt from the requirement of subsection (1)
15 of this section for the period of time he or she is temporarily
16 disabled. The department shall periodically review the medical
17 condition of all inmates with temporary disabilities to ensure the
18 earliest possible entry or reentry by inmates into available
19 programming.

20 (8) The department shall establish policies requiring an offender
21 to pay all or a portion of the costs and tuition for any vocational
22 training or postsecondary education program if the offender previously
23 abandoned coursework related to education or vocational training
24 without excuse as defined in rule by the department. Department
25 policies shall include a formula for determining how much an offender
26 shall be required to pay. The formula shall include steps which
27 correlate to an offender average monthly income or average available
28 balance in a personal inmate savings account and which are correlated
29 to a prorated portion or percent of the per credit fee for tuition,
30 books, or other ancillary costs. The formula shall be reviewed every
31 two years. A third party may pay directly to the department all or a
32 portion of costs and tuition for any program on behalf of an inmate
33 under this subsection. Such payments shall not be subject to any of
34 the deductions as provided in this chapter.

35 (9) Notwithstanding any other provision in this section, an inmate
36 sentenced to life without the possibility of release, sentenced to
37 death under chapter 10.95 RCW, or subject to the provisions of 8 U.S.C.
38 Sec. 1227:

1 (a) Shall not be required to participate in education programming
2 except as may be necessary for the maintenance of discipline and
3 security;

4 (b) May receive not more than one postsecondary academic degree in
5 a program offered by the department or its contracted providers;

6 (c) May participate in prevocational or vocational training that
7 may be necessary to participate in a work program;

8 (d) Shall be subject to the applicable provisions of this chapter
9 relating to inmate financial responsibility for programming.

10 NEW SECTION. Sec. 403. A new section is added to chapter 72.09
11 RCW to read as follows:

12 (1) The department shall, if funds are appropriated for the
13 specific purpose, implement postsecondary education degree programs
14 within state correctional institutions, including the state
15 correctional institution with the largest population of female inmates.
16 The department shall consider for inclusion in any postsecondary
17 education degree program, any postsecondary education degree program
18 from an accredited community college, college, or university that is
19 part of an associate of arts, baccalaureate, masters of arts, or other
20 graduate degree program.

21 (2) Except as provided in subsection (3) of this section, inmates
22 shall be required to pay the costs for participation in any
23 postsecondary education degree programs established under this
24 subsection, including books, fees, tuition, or any other appropriate
25 ancillary costs, by one or more of the following means:

26 (a) The inmate who is participating in the postsecondary education
27 degree program shall, during confinement, provide the required payment
28 or payments to the department; or

29 (b) A third party shall provide the required payment or payments
30 directly to the department on behalf of an inmate, and such payments
31 shall not be subject to any of the deductions as provided in this
32 chapter.

33 (3) The department may accept any and all donations and grants of
34 money, equipment, supplies, materials, and services from any third
35 party, including but not limited to nonprofit entities, and may
36 receive, utilize, and dispose of same to provide postsecondary
37 education to inmates.

1 (4) Any funds collected by the department under this section and
2 RCW 72.09.450(4) shall be used solely for the creation, maintenance, or
3 expansion of inmate postsecondary education degree programs.

4 **Sec. 404.** RCW 72.09.480 and 2003 c 271 s 3 are each amended to
5 read as follows:

6 (1) Unless the context clearly requires otherwise, the definitions
7 in this section apply to this section.

8 (a) "Cost of incarceration" means the cost of providing an inmate
9 with shelter, food, clothing, transportation, supervision, and other
10 services and supplies as may be necessary for the maintenance and
11 support of the inmate while in the custody of the department, based on
12 the average per inmate costs established by the department and the
13 office of financial management.

14 (b) "Minimum term of confinement" means the minimum amount of time
15 an inmate will be confined in the custody of the department,
16 considering the sentence imposed and adjusted for the total potential
17 earned early release time available to the inmate.

18 (c) "Program" means any series of courses or classes necessary to
19 achieve a proficiency standard, certificate, or postsecondary degree.

20 (2) When an inmate, except as provided in subsection (7) of this
21 section, receives any funds in addition to his or her wages or
22 gratuities, except settlements or awards resulting from legal action,
23 the additional funds shall be subject to the following deductions and
24 the priorities established in chapter 72.11 RCW:

25 (a) Five percent to the public safety and education account for the
26 purpose of crime victims' compensation;

27 (b) Ten percent to a department personal inmate savings account;

28 (c) Twenty percent to the department to contribute to the cost of
29 incarceration;

30 (d) Twenty percent for payment of legal financial obligations for
31 all inmates who have legal financial obligations owing in any
32 Washington state superior court; and

33 (e) Fifteen percent for any child support owed under a support
34 order.

35 (3) When an inmate, except as provided in subsection (7) of this
36 section, receives any funds from a settlement or award resulting from

1 a legal action, the additional funds shall be subject to the deductions
2 in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11
3 RCW.

4 (4) The amount deducted from an inmate's funds under subsection (2)
5 of this section shall not exceed the department's total cost of
6 incarceration for the inmate incurred during the inmate's minimum or
7 actual term of confinement, whichever is longer.

8 (5)(a) The deductions required under subsection (2) of this section
9 shall not apply to funds received by the department from an offender or
10 from a third party on behalf of an offender for payment of ((one fee-
11 based)) education or vocational programs ((that is associated with an
12 inmate's work program or a placement decision made by the department
13 under RCW 72.09.460 to prepare an inmate for work upon release.

14 ~~An inmate may, prior to the completion of the fee-based education~~
15 ~~or vocational program authorized under this subsection, apply to a~~
16 ~~person designated by the secretary for permission to make a change in~~
17 ~~his or her program. The secretary, or his or her designee, may approve~~
18 ~~the application based solely on the following criteria: (a) The inmate~~
19 ~~has been transferred to another institution by the department for~~
20 ~~reasons unrelated to education or a change to a higher security~~
21 ~~classification and the offender's current program is unavailable in the~~
22 ~~offender's new placement; (b) the inmate entered an academic program as~~
23 ~~an undeclared major and wishes to declare a major. No inmate may apply~~
24 ~~for more than one change to his or her major and receive the exemption~~
25 ~~from deductions specified in this subsection; (c) the educational or~~
26 ~~vocational institution is terminating the inmate's current program; or~~
27 ~~(d) the offender's training or education has demonstrated that the~~
28 ~~current program is not the appropriate program to assist the offender~~
29 ~~to achieve a placement decision made by the department under RCW~~
30 ~~72.09.460 to prepare the inmate for work upon release)) or~~
31 ~~postsecondary education degree programs as provided in RCW 72.09.460~~
32 ~~and section 403 of this act.~~

33 (b) The deductions required under subsection (2) of this section
34 shall not apply to funds received by the department from a third party,
35 including but not limited to a nonprofit entity on behalf of the
36 department's education, vocation, or postsecondary education degree
37 programs.

1 (6) The deductions required under subsection (2) of this section
2 shall not apply to any money received by the department, on behalf of
3 an inmate, from family or other outside sources for the payment of
4 postage expenses. Money received under this subsection may only be
5 used for the payment of postage expenses and may not be transferred to
6 any other account or purpose. Money that remains unused in the
7 inmate's postage fund at the time of release shall be subject to the
8 deductions outlined in subsection (2) of this section.

9 (7) When an inmate sentenced to life imprisonment without
10 possibility of release or parole, or to death under chapter 10.95 RCW,
11 receives any funds in addition to his or her gratuities, except
12 settlements or awards resulting from legal action, the additional funds
13 shall be subject to: Deductions of five percent to the public safety
14 and education account for the purpose of crime victims' compensation,
15 twenty percent to the department to contribute to the cost of
16 incarceration, and fifteen percent to child support payments.

17 (8) When an inmate sentenced to life imprisonment without
18 possibility of release or parole, or to death under chapter 10.95 RCW,
19 receives any funds from a settlement or award resulting from a legal
20 action in addition to his or her gratuities, the additional funds shall
21 be subject to: Deductions of five percent to the public safety and
22 education account for the purpose of crime victims' compensation and
23 twenty percent to the department to contribute to the cost of
24 incarceration.

25 (9) The interest earned on an inmate savings account created as a
26 result of the plan in section 4, chapter 325, Laws of 1999 shall be
27 exempt from the mandatory deductions under this section and RCW
28 72.09.111.

29 (10) Nothing in this section shall limit the authority of the
30 department of social and health services division of child support from
31 taking collection action against an inmate's moneys, assets, or
32 property pursuant to chapter 26.23, 74.20, or 74.20A RCW including, but
33 not limited to, the collection of moneys received by the inmate from
34 settlements or awards resulting from legal action.

35 NEW SECTION. **Sec. 405.** (1) The department of corrections and the
36 state board for community and technical colleges, in cooperation with
37 the unions representing academic employees in corrections education

1 programs, shall investigate and review methods to optimize educational
2 and vocational programming opportunities to meet the needs of each
3 offender as identified in his or her individual reentry plan while an
4 offender is under the jurisdiction of the department.

5 (2) In conducting its review, the department and state board shall
6 consider and make recommendations regarding:

7 (a) Technological advances which could serve to expand educational
8 programs and vocational training including, but not limited to,
9 distance learning, satellite instruction, videotape usage, computer
10 aided instruction, and flexible scheduling and also considering the
11 infrastructure, resources, and security that would be needed to
12 implement the program or training. These advances shall be assessed
13 for their ability to provide the most cost-efficient and effective
14 programming for offenders;

15 (b) Methods to ensure that educational programs and vocational
16 training are relevant to enhance the employability of offenders upon
17 release; and

18 (c) Long-term methods for maintaining channels of communication
19 between the department, state board administration, academic employees,
20 and students.

21 (3) The department and state board shall report to the governor and
22 the legislature no later than July 1, 2008.

23 NEW SECTION. **Sec. 406.** (1) The Washington state institute for
24 public policy shall conduct a comprehensive analysis and evaluation of
25 evidence-based, research-based, and promising correctional education
26 programs and the extent to which Washington's programs are in accord
27 with these practices. In gathering data regarding correctional
28 education programs, the institute may consult with academic employees
29 from correctional education programs.

30 (2) The institute shall report to the governor and the legislature
31 no later than November 15, 2007.

32 **PART V - EMPLOYMENT BARRIERS**

33 NEW SECTION. **Sec. 501.** On or before October 1, 2007, the
34 department of corrections and the department of licensing shall enter

1 into an agreement establishing expedited procedures to assist offenders
2 in obtaining a driver's license or identification card upon their
3 release from a department of corrections' institution.

4 NEW SECTION. **Sec. 502.** (1) The director of the department of
5 licensing, or the director's designee, shall, within existing
6 resources, convene and chair a work group to review and recommend
7 changes to occupational licensing laws and policies to encourage the
8 employment of individuals with criminal convictions while ensuring the
9 safety of the public.

10 (2) In addition to the director of the department of licensing, the
11 following shall be members of the work group: A representative from
12 the employment security department, a representative from the
13 department of corrections, a representative from the Washington state
14 association of prosecuting attorneys, and up to five members appointed
15 by the governor from state agencies that issue occupational licenses.
16 The department shall also invite participation from victim service
17 agencies, the state board for community and technical colleges,
18 association of Washington business, nonprofit organizations providing
19 workforce training to released offenders, and legislative staff who
20 provide support to the human services and human services and
21 corrections committees. Members of the work group shall serve without
22 compensation.

23 (3) In conducting its review, the work group must:

24 (a) Review approaches used by other states and jurisdictions for
25 awarding occupational licenses to those with criminal convictions;

26 (b) Develop a process and standards by which the department of
27 licensing and licensing agencies will determine whether a criminal
28 conviction renders an applicant an unsuitable candidate for a license
29 or whether a conviction warrants revocation or suspension of a license
30 previously granted;

31 (c) Develop guidelines for potential applicants that reflect the
32 most common or well-known categories of crimes and their relation to
33 specific license types;

34 (d) Establish mechanisms for making information regarding the
35 process and guidelines easily accessible to potential applicants with
36 criminal histories.

1 (4) The department of licensing shall present a report of its
2 findings and recommendations to the governor and the appropriate
3 committees of the legislature, including any proposed legislation, by
4 November 15, 2008.

5 (5) This section expires December 15, 2008.

6 **PART VI - HOUSING**

7 NEW SECTION. **Sec. 601.** The legislature finds that, in order to
8 improve the safety of our communities, more housing needs to be made
9 available to offenders returning to the community. The legislature
10 intends to increase the housing available to offenders by providing
11 that landlords who rent to offenders shall be immune from civil
12 liability for damages that may result from the criminal conduct of the
13 tenant.

14 NEW SECTION. **Sec. 602.** A new section is added to chapter 59.18
15 RCW to read as follows:

16 A landlord who rents to an offender is not liable for civil damages
17 arising from the criminal conduct of the tenant. In order for a
18 landlord to be protected from liability as provided under this section,
19 a landlord must:

20 (1) Disclose to residents of the property that he or she rents or
21 has a policy of renting to offenders; and

22 (2) Take steps to report or halt criminal activity if the landlord
23 has actual knowledge of criminal activity on the landlord's premises.

24 NEW SECTION. **Sec. 603.** A new section is added to chapter 35.82
25 RCW to read as follows:

26 The legislature recognizes that stable, habitable, and supportive
27 housing is a critical factor that increases a previously incarcerated
28 individual's access to treatment and services as well as the likelihood
29 of success in the community. Housing authorities are therefore
30 encouraged to formulate rental policies that are not unduly burdensome
31 to previously incarcerated individuals attempting to reenter the
32 community, particularly when the individual's family may already reside
33 in government subsidized housing.

1 NEW SECTION. **Sec. 604.** A new section is added to chapter 43.185C
2 RCW to read as follows:

3 (1) The department of community, trade, and economic development
4 shall establish a pilot program to provide grants to eligible
5 organizations, as described in RCW 43.185.060, to provide transitional
6 housing assistance to offenders who are reentering the community and
7 are in need of housing.

8 (2) There shall be a minimum of two pilot programs established in
9 two counties. The pilot programs shall be selected through a request
10 for proposal process and in consultation with the department of
11 corrections. The department shall select the pilot sites by January 1,
12 2008.

13 (3) The pilot program shall:

14 (a) Be operated in collaboration with the community justice center
15 existing in the location of the pilot site;

16 (b) Offer transitional supportive housing that includes individual
17 support and mentoring available on an ongoing basis, life skills
18 training, and close working relationships with community justice
19 centers and community corrections officers. Supportive housing
20 services can be provided directly by the housing operator, or in
21 partnership with community-based organizations;

22 (c) In providing assistance, give priority to offenders who are
23 designated as high risk or high needs as well as those determined not
24 to have a viable release plan by the department of corrections;

25 (d) Optimize available funding by utilizing cost-effective
26 community-based shared housing arrangements or other noninstitutional
27 living arrangements; and

28 (e) Provide housing assistance for a period of time not to exceed
29 twelve months for a participating offender.

30 (4) The department may also use up to twenty percent of the funding
31 appropriated in the operating budget for this section to support the
32 development of additional supportive housing resources for offenders
33 who are reentering the community.

34 (5) The department shall:

35 (a) Collaborate with the department of corrections in developing
36 criteria to determine who will qualify for housing assistance; and

37 (b) Gather data, and report to the legislature by November 1, 2008,
38 on the number of offenders seeking housing, the number of offenders

1 eligible for housing, the number of offenders who receive the housing,
2 and the number of offenders who commit new crimes while residing in the
3 housing to the extent information is available.

4 (6) The department of corrections shall collaborate with
5 organizations receiving grant funds to:

6 (a) Help identify appropriate housing solutions in the community
7 for offenders;

8 (b) Where possible, facilitate an offender's application for
9 housing prior to discharge;

10 (c) Identify enhancements to training provided to offenders prior
11 to discharge that may assist an offender in effectively transitioning
12 to the community;

13 (d) Maintain communication between the organization receiving grant
14 funds, the housing provider, and corrections staff supervising the
15 offender; and

16 (e) Assist the offender in accessing resources and services
17 available through the department of corrections and a community justice
18 center.

19 (7) The state, department of community, trade, and economic
20 development, department of corrections, local governments, local
21 housing authorities, eligible organizations as described in RCW
22 43.185.060, and their employees are not liable for civil damages
23 arising from the criminal conduct of an offender solely due to the
24 placement of an offender in housing provided under this section or the
25 provision of housing assistance.

26 (8) Nothing in this section allows placement of an offender into
27 housing without an analysis of the risk the offender may pose to that
28 particular community or other residents.

29 **Sec. 605.** RCW 72.09.111 and 2004 c 167 s 7 are each amended to
30 read as follows:

31 (1) The secretary shall deduct taxes and legal financial
32 obligations from the gross wages, gratuities, or workers' compensation
33 benefits payable directly to the inmate under chapter 51.32 RCW, of
34 each inmate working in correctional industries work programs, or
35 otherwise receiving such wages, gratuities, or benefits. The secretary
36 shall also deduct child support payments from the gratuities of each
37 inmate working in class II through class IV correctional industries

1 work programs. The secretary shall develop a formula for the
2 distribution of offender wages, gratuities, and benefits. The formula
3 shall not reduce the inmate account below the indigency level, as
4 defined in RCW 72.09.015.

5 (a) The formula shall include the following minimum deductions from
6 class I gross wages and from all others earning at least minimum wage:

7 (i) Five percent to the public safety and education account for the
8 purpose of crime victims' compensation;

9 (ii) Ten percent to a department personal inmate savings account;

10 (iii) Twenty percent to the department to contribute to the cost of
11 incarceration; and

12 (iv) Twenty percent for payment of legal financial obligations for
13 all inmates who have legal financial obligations owing in any
14 Washington state superior court.

15 (b) The formula shall include the following minimum deductions from
16 class II gross gratuities:

17 (i) Five percent to the public safety and education account for the
18 purpose of crime victims' compensation;

19 (ii) Ten percent to a department personal inmate savings account;

20 (iii) Fifteen percent to the department to contribute to the cost
21 of incarceration;

22 (iv) Twenty percent for payment of legal financial obligations for
23 all inmates who have legal financial obligations owing in any
24 Washington state superior court; and

25 (v) Fifteen percent for any child support owed under a support
26 order.

27 (c) The formula shall include the following minimum deductions from
28 any workers' compensation benefits paid pursuant to RCW 51.32.080:

29 (i) Five percent to the public safety and education account for the
30 purpose of crime victims' compensation;

31 (ii) Ten percent to a department personal inmate savings account;

32 (iii) Twenty percent to the department to contribute to the cost of
33 incarceration; and

34 (iv) An amount equal to any legal financial obligations owed by the
35 inmate established by an order of any Washington state superior court
36 up to the total amount of the award.

37 (d) The formula shall include the following minimum deductions from
38 class III gratuities:

1 (i) Five percent for the purpose of crime victims' compensation;
2 and
3 (ii) Fifteen percent for any child support owed under a support
4 order.
5 (e) The formula shall include the following minimum deduction from
6 class IV gross gratuities:
7 (i) Five percent to the department to contribute to the cost of
8 incarceration; and
9 (ii) Fifteen percent for any child support owed under a support
10 order.
11 (2) Any person sentenced to life imprisonment without possibility
12 of release or parole under chapter 10.95 RCW or sentenced to death
13 shall be exempt from the requirement under subsection (1)(a)(ii),
14 (b)(ii), or (c)(ii).
15 (3)(a) The department personal inmate savings account, together
16 with any accrued interest, shall only be available to an inmate at the
17 following times:
18 (i) The time of his or her release from confinement(~~(, unless)~~);
19 (ii) Prior to his or her release from confinement in order to
20 secure approved housing; or
21 (iii) When the secretary determines that an emergency exists for
22 the inmate(~~(, at which time the funds can be)~~).
23 (b) If funds are made available pursuant to (a)(ii) or (iii) of
24 this subsection, the funds shall be made available to the inmate in an
25 amount determined by the secretary.
26 (c) The management of classes I, II, and IV correctional industries
27 may establish an incentive payment for offender workers based on
28 productivity criteria. This incentive shall be paid separately from
29 the hourly wage/gratuity rate and shall not be subject to the specified
30 deduction for cost of incarceration.
31 (4)(a) Subject to availability of funds for the correctional
32 industries program, the expansion of inmate employment in class I and
33 class II correctional industries shall be implemented according to the
34 following schedule:
35 (i) Not later than June 30, 2005, the secretary shall achieve a net
36 increase of at least two hundred in the number of inmates employed in
37 class I or class II correctional industries work programs above the
38 number so employed on June 30, 2003;

1 (ii) Not later than June 30, 2006, the secretary shall achieve a
2 net increase of at least four hundred in the number of inmates employed
3 in class I or class II correctional industries work programs above the
4 number so employed on June 30, 2003;

5 (iii) Not later than June 30, 2007, the secretary shall achieve a
6 net increase of at least six hundred in the number of inmates employed
7 in class I or class II correctional industries work programs above the
8 number so employed on June 30, 2003;

9 (iv) Not later than June 30, 2008, the secretary shall achieve a
10 net increase of at least nine hundred in the number of inmates employed
11 in class I or class II correctional industries work programs above the
12 number so employed on June 30, 2003;

13 (v) Not later than June 30, 2009, the secretary shall achieve a net
14 increase of at least one thousand two hundred in the number of inmates
15 employed in class I or class II correctional industries work programs
16 above the number so employed on June 30, 2003;

17 (vi) Not later than June 30, 2010, the secretary shall achieve a
18 net increase of at least one thousand five hundred in the number of
19 inmates employed in class I or class II correctional industries work
20 programs above the number so employed on June 30, 2003.

21 (b) Failure to comply with the schedule in this subsection does not
22 create a private right of action.

23 (5) In the event that the offender worker's wages, gratuity, or
24 workers' compensation benefit is subject to garnishment for support
25 enforcement, the crime victims' compensation, savings, and cost of
26 incarceration deductions shall be calculated on the net wages after
27 taxes, legal financial obligations, and garnishment.

28 (6) The department shall explore other methods of recovering a
29 portion of the cost of the inmate's incarceration and for encouraging
30 participation in work programs, including development of incentive
31 programs that offer inmates benefits and amenities paid for only from
32 wages earned while working in a correctional industries work program.

33 (7) The department shall develop the necessary administrative
34 structure to recover inmates' wages and keep records of the amount
35 inmates pay for the costs of incarceration and amenities. All funds
36 deducted from inmate wages under subsection (1) of this section for the
37 purpose of contributions to the cost of incarceration shall be

1 deposited in a dedicated fund with the department and shall be used
2 only for the purpose of enhancing and maintaining correctional
3 industries work programs.

4 (8) It shall be in the discretion of the secretary to apportion the
5 inmates between class I and class II depending on available contracts
6 and resources.

7 (9) Nothing in this section shall limit the authority of the
8 department of social and health services division of child support from
9 taking collection action against an inmate's moneys, assets, or
10 property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

11 **PART VII - MISCELLANEOUS**

12 NEW SECTION. **Sec. 701.** Part headings used in this act are not any
13 part of the law.

14 NEW SECTION. **Sec. 702.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

18 NEW SECTION. **Sec. 703.** (1) The sum of three hundred thousand
19 dollars of the general fund--state appropriation for fiscal year 2008
20 and three hundred thousand dollars of the general fund--state
21 appropriation for fiscal year 2009 are provided solely to the
22 department of corrections for the purposes of section 305(2) and (4) of
23 this act.

24 (2) The sum of nine hundred thousand dollars of the general fund--
25 state appropriation for fiscal year 2008 and nine hundred thousand
26 dollars of the general fund--state appropriation for fiscal year 2009
27 are provided solely to the department of corrections for the purposes
28 of section 304(1)(b)(ii)(D) and (E) of this act.

29 (3) The sum of one hundred thousand dollars of the general fund--
30 state appropriation for fiscal year 2008 and one hundred thousand
31 dollars of the general fund--state appropriation for fiscal year 2009
32 are provided solely for the department of corrections for the purposes

1 of section 307 of this act.

Passed by the Senate April 22, 2007.

Passed by the House April 21, 2007.

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